

SENATE—Saturday, January 23, 1999

The Senate met at 10:05 a.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have taught us to seek and maintain unity. You've also taught us that this unity is so precious that we should be willing to sacrifice anything in order to maintain it—except the truth. Help us to affirm the great undeniable truths that twine the bond of oneness: We are one Nation under Your sovereignty; our patriotism binds us together inseparably; our commitment to the Constitution is unswerving. In these bonds that cannot be broken, this Senate has been able to deal with the arguments, issues, and opinions of this impeachment trial. Continue to inspire the Senators with civility as they work through answers to the questions raised today.

Refresh and rejuvenate those who may be weary or burdened. Dear God, preserve the unity of this Senate for its future leadership of our beloved Nation. In Your Holy Name. Amen.

The CHIEF JUSTICE. The Deputy Sergeant at Arms will make the proclamation.

The Deputy Sergeant at Arms, Loretta Symms, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

Pursuant to the provisions of Senate Resolution 16, there are 11 hours 54 minutes remaining during which Senators may submit questions in writing directed to either the managers, on the part of the House of Representatives, or the counsel for the President.

The majority leader is recognized.

Mr. LOTT. Thank you, Mr. Chief Justice.

And thank you, Chaplain, for your opening prayer. I know we all listened and appreciated the admonitions that were given in that prayer.

ORDER OF PROCEDURE

I want to say, again, I appreciate the participation of all the Senators yesterday. Fifty questions were asked, I think a lot of good questions, and obviously good responses. We have a considerable amount of time left for questions. But, again, it is our intent to go today as long as the Senators feel that they have a need for further questions. It is up to 16 hours; it doesn't require 16 hours. So I think we should go forward and try to ask the needed questions, and then get a sense of where we are as we go through the day.

But at any rate, it would be our intent not to go later than 4 p.m. We hope to take a 1-hour lunch break sometime around 12 or 12:30, but it will depend on how the questions are going. We will also take a break here in an hour, hour and a half, something like that.

Following today's session, the Senate will reconvene on Monday at 1 p.m. and resume consideration of the articles of impeachment. All Members will be notified of the details of Monday's schedule, and beyond that, once we have had an opportunity for a consultation between Senator DASCHLE and myself and we get a feel for exactly what Senate Resolution 16 provides in terms of activities on Monday and Tuesday. In a continuing effort to make this as bipartisan and as fair as possible, you will note yesterday while we alternated back and forth, some of the questions were directed from this side to the President's counsel and the reverse. I am sure that will happen again some today. We began the first question yesterday and you concluded; so today we would reverse that. Senator DASCHLE will ask the first question and then we will go through the process until we complete those questions, with us ending with the last question sometime today.

With that, Mr. Chief Justice, I yield the floor.

The CHIEF JUSTICE. This question is directed to the House managers from Senator REID of Nevada.

Would you please tell us whether you provided notice to counsel for the President, or to any official of the United States Senate, of the managers' discussions with the Office of Independent Counsel regarding an informal interview of Ms. Lewinsky, and the intention of the Office of Independent Counsel to file a motion in court to compel Ms. Lewinsky to meet with the managers? If you provided no such notice to counsel for the President or the Senate, please tell us why not.

Mr. Manager BRYANT. Mr. Chief Justice and Senators, distinguished colleagues, no, the answer to your

question. I am not aware of any such notice that was provided as described in the question.

I would like to make some clarification on this in terms of the witness, Monica Lewinsky—potential witness. As we have been in an evolving discussion over the last few weeks in terms of if we are allowed to call witnesses by the Senate, who those witnesses might be, what our list might look like, obviously, the name of Monica Lewinsky comes up as a potentially very important witness to these proceedings.

As many of us in this Chamber have had experience in the law, we very much would like to talk to some of these witnesses. The core group that we have considered, however, are, in essence, in the White House control; they are either employed by the White House or close friends and associates of the White House. I am sure the White House, with the attorneys, would be very willing to cooperate with us in making those people available.

However, Ms. Lewinsky presents a very unique situation in that she is geographically some other place. I am not sure where she is—Los Angeles, New York, maybe Washington. But she has attorneys we have to deal with. It would be very critical, as any attorney in this body knows, that before you actually talk to a witness, and a witness of that importance to this proceeding, that before you produce her for that testimony, that you talk to her. It was intended to be a conversation to discuss it with her.

I have personally not seen the immunity agreement that she has, but we understand there is a cooperation proceeding and that that agreement is between her, her attorneys, and the independent counsel, the OIC—not Congress, not the managers, not the Senate. So we have no duty, no legal standing, as I understand it, to go in and enforce that agreement, were she not to want to meet with us and cooperate pursuant to the terms of those agreements, to the agreement.

We did contact the OIC to arrange that meeting, and once we understood that the attorneys did not want to cooperate and furnish their client to meet with us, we asked the OIC to pursue, further, the effort to have Ms. Lewinsky come in and meet with us on an informal basis as, again, anyone would do in preparation for calling a witness at a trial.

Thank you.

The CHIEF JUSTICE. This is a question from Senators FITZGERALD, HATCH, Mr. SMITH of Oregon, and Senator THURMOND, directed to the House managers.